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JUN 13 1997

Federal Communications Commission
Office of Secretary

June 12, 1997

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. - Room 222
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: Advanced Television Systems
MM Docket No. 87-268

Dear Mr. Caton:

Submitted herewith on behalf of Siete Grande Television, Inc. are an original and four copies of a Petition for Partial Reconsideration of the Commission's Sixth Report and Order on advanced television systems (MM Docket No. 87-268, FCC 97-115).

Kindly acknowledge receipt of this submission by date stamping and returning to me the extra copy of this transmittal letter in the self-addressed envelope provided. Please direct any questions regarding this submission to the undersigned.

Very truly yours,



Stuart A. Shorenstein

SAS:dw
Enclosure

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED
JUN 11 3 1997
Federal Communications Commission
Office of Secretary

In the Matter of)
)
Advanced Television Systems)
and their Impact Upon the) MM Docket No. 87-268
Existing Television Broadcast)
Service)

TO: The Commission

Petition for Partial Reconsideration

Siete Grande Television, Inc., licensee of Station WSTE(TV), Channel 7, at Ponce, Puerto Rico, hereby requests the Commission to partially reconsider its Sixth Report and Order¹ which addressed and adopted a Table of DTV Allotments and Assignments for the television industry. In support thereof, the following is respectfully shown:

1. Station WSTE(TV) respectfully requests the Commission to reconsider its Sixth Report and Order as it applies to WSTE-TV so that it can take into consideration the history of television broadcasting in the Commonwealth of Puerto Rico and in particular, the commission's extensive records on the unique technical facilities of WSTE-TV. That history shows that inferior signal coverage, largely caused by the rugged mountainous terrain of the Island, has made it difficult for television stations such as WSTE-TV to competitively survive, and for the Island residents to receive adequate television service. Puerto Rico's terrain

¹ MM Docket No. 87-268, FCC 97-115 (released April 21, 1997).

difficulty has been the subject of extensive Commission proceedings in the past. In those proceedings the agency has in fact concluded that the extraordinary terrain of the Island prevents many areas from receiving adequate service. See, Ponce Television Corporation, 1 FCC Rcd 1167 (1986), recon. denied, 2 FCC Rcd 5878 (1987). See also, Channel 7, Inc., 4 FCC Rcd 5258 (1989).

2. Specifically, in 1985, a WSTE(TV) predecessor licensee sought authority to construct an experimental broadcast facility utilizing widely spaced transmitters with circularly polarized antennas at low elevations in front of mountain peaks, all operating simultaneously on the same frequency. The intent of the operation was to enable the station to bring its local service to large areas of the Island previously unable to receive the signal because of terrain factors. The Commission, in authorizing experimental operation concluded that the experiment would provide information useful to an evaluation of methods of overcoming terrain obstructions, and would provide a viewable signal to areas previously unable to receive the signal by direct means. Ultimately Siete Grande was granted authority to establish on a permanent basis its television broadcast operation after analysis of the experimental data confirmed that the use of multiple transmitters would serve the public interest by greatly improving reception of the station's signal throughout Puerto Rico. Siete Grande Television, Inc., 7 FCC Rcd 5299 (1992).

3. The present four-site multi-transmitter booster facilities broadcast as a system on Channel 7 and operate from separate locations in Arecibo, Mayaguez, San Juan and Ponce. The

Sixth Report and Order did not, of course, consider the extraordinary history of Channel 7's unique technical setup established to overcome terrain factors that inhibit its main transmitter's signal coverage in Puerto Rico. Hence, the proposed DTV Allocation Table failed to address signal replication of the full Channel 7 coverage area achieved through use of the booster facilities. This is a particularly egregious result in the case of Channel 7 since the combination of WSTE-TV's booster facilities presently serves a population of more than 718,000. Unless reconsideration is granted with respect to WSTE-TV's DTV Allocation a large number of the Island's inhabitants stand to lose over the air access to Channel 7's signal - a signal received throughout the Island for more than a decade.

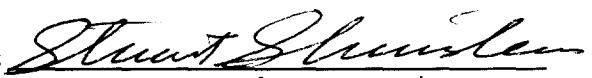
4. Siete Grande therefore urges the Commission to partially reconsider the Sixth Report and Order by taking into account digital service area replication in the context of WSTE(TV)'s unique licensed facilities which include its four licensed booster stations. As the attached Engineering Statement recites, the multi-site transmitting system should be included in "service area matching" calculations. In so doing, the Commission should assign replicating DTV channels to each of the boosters, which could readily be accomplished because of the terrain shielding and additional losses incorporated into Technote 101. By so doing, the DTV channels would be protected against use in the allocation "pool", and appropriate investment in the continued booster operation could be made without the fear of losing the frequencies and the public interest ultimately served by preserving

Channel 7's coverage to a large portion of the Island's population. Absent such protection, service to a substantial population would be eliminated, which is contrary to the spirit and intention of the Sixth Report and Order.

Finally, the experimental and permanent authorizations granted for the system came at tremendous cost to the licensee. The costs included towers, transmitters, the purchasing of sites and the construction of an intricate microwave system to connect the various boosters. To deny advanced service to the public from the existing system in a digital mode would deny the citizens of Puerto Rico an important benefit. It would also penalize the licensee by preventing it from vigorously competing in the market while discouraging further investment.

Respectfully submitted,

SIETE GRANDE TELEVISION, INC.

By: 
Stuart A. Shorenstein
It's Counsel

LOWENTHAL, LANDAU, FISCHER & BRING, P.C.
250 Park Avenue
New York, New York 10177
(212) 986-1116

June 12, 1997

ENGINEERING STATEMENT

In Support of Partial Reconsideration

In re:

MM Docket 87-268

Sixth Report and Order

Advanced Television Systems

By:

Siete Grande Television, Inc.

This Engineering Statement is written by Ralph E. Evans, of Evans Associates Consulting Telecommunications Engineers in Thiensville, Wisconsin, on behalf of Siete Grande Television, Inc., licensee of television broadcast station, WSTE in Ponce, Puerto Rico, which is immediately impacted by the *Sixth Order*.

Background

Siete Grande Television, Inc. is the licensee of WSTE, channel seven assigned to Ponce, Puerto Rico. Siete Grande operates four television boosters which are used to provide service to viewers in Puerto Rico who are shielded from the main transmitter by disadvantageous terrain. This specialized and technically sophisticated booster system has continually provided service to residents for nearly 10 years, and serves population areas on the island which cannot be reached by the primary signal due to severe terrain limitations. This booster network was approved by the FCC as a transmitting system. As a pioneer in advanced broadcast techniques, Siete Grande Television, Inc. believes that benefits of its broadcasting experience is valuable to the FCC as the DTV Rules are finalized.

In the largest measure, Siete Grande Television, Inc. commends the FCC for a well considered and carefully crafted digital television plan as it is represented by the *Sixth Report and Order*. Siete Grande Television, Inc. believes, however, there is an issue entirely separate from the Low-Power Television/Translator displacement problem as identified in the *Sixth Report*, which concerns the unique case of Puerto Rico, and which should be addressed in reconsideration. Failure to address the special circumstances of the Puerto Rico channel 7 multi-transmitter facility would result in unintended disadvantage to a broadcast facility which has been serving the public interests for many years:

- Advanced television conversion must address the unique case of Puerto Rico, where a unique multi-site transmitting facility has been licensed in order to overcome terrain limitations, but which has not been included in "service area matching" calculations.

- In order to continue service to Siete Grande's existing viewers, and in order to overcome the severe terrain limitations represented by the island, a replicating DTV channel must be assigned to each of the utilized boosters:

1) Arecibo	18°-27'-21"	66°-45'-16"
2) Mayaguez	18°-19'-25"	67°-10'-27"
3) San Juan	18°-16'-29"	66°-06'-49"
4) Ponce	18°-09'-17"	66°-33'-16"

These sites were authorized recognizing the special circumstances inherent in serving the Puerto Rico market.

Siete Grande Television, Inc. therefore recommends that contour matching in the case of Puerto Rico take all of the Siete Grande Television, Inc. transmitters into account, as tabulated above. This would result in the assignment of one DTV channel to each of the auxiliary transmitters, but this engineer has determined that such frequencies could be easily assigned because of terrain shielding and additional losses as described by Tech Note 101.

The channel 7 boosters serve a population area as follows (1990):

1) Arecibo	48,779
2) Mayaguez	82,968
3) San Juan	424,600
4) Ponce	161,739

As demonstrated in previous filings with the FCC which authorized the multi-site transmitter system, service to the above persons would be adversely affected or eliminated unless they are included in "contour matching" calculations so that their DTV channels can be protected.

Conclusions

Based upon the above information, Siete Grande Television, Inc. believes that it would be in the public interest to modify the proposed new digital television rules as follows:

1. Digital service area replication in Puerto Rico should take into account the multi-site facility established to address the terrain problem.
2. Each transmitter site should be assigned its DTV channel which would replicate the licensed and existing NTSC service.

AFFIDAVIT

COUNTY OF OZAUKEE

SS:

STATE OF WISCONSIN

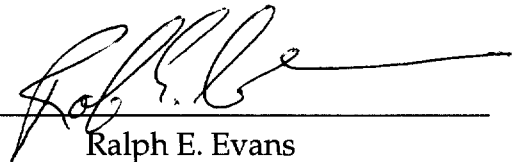
RALPH E. EVANS, being duly sworn upon oath deposes and says:

That his qualifications are a matter of record with the Federal Communications Commission;

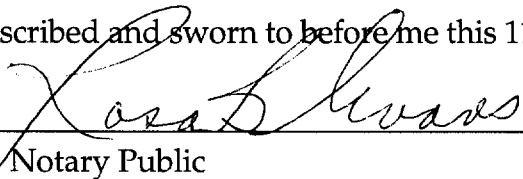
That he is a Consulting TeleCommunications Engineer and is a partner in the firm of Evans Associates;

That this firm has been retained by Siete Grande Television, Inc. to prepare this engineering exhibit;

That he has either prepared or directly supervised the preparation of all technical information contained in this engineering statement, and that the facts stated in this engineering statement are true of his knowledge, except as to such statements as are herein stated to be on information and belief and as to such statements he believes them to be true.


Ralph E. Evans

Subscribed and sworn to before me this 11th day of June, 1997.


Notary Public

My Commission expires Sept 24, 2000

NOTICE

This exhibit and the work it is based on represents our best interpretation of existing information, technical data, FCC Rules and policies, and policies and rules of other agencies. However, these data, rules and policies and their interpretation by the FCC or other agencies are constantly changing. Therefore, we do not warrant this work to be acceptable to the FCC or other agency, that any undertaking based on it will be successful, or that further submittals, administrative actions or litigation will not be required by others in support of this proposal or future undertaking. In the event of errors, our liability is strictly limited to replacement of this document with a corrected one. Liability for consequential damages is specifically disclaimed. Favorable action on this application by the FCC, FAA, or other federal and state agencies, is not guaranteed.

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CERTIFICATE OF SERVICE

I, Doris Wooley, a secretary in the law offices of Lowenthal, Landau, Fischer & Bring, do hereby certify that on this 13th day of June, 1997, that a copy of the foregoing Petition for Partial Reconsideration was hand delivered to the following:

Chairman Reed E. Hundt
Federal Communications Commission
1919 M Street, N.W.
Room 814
Washington, DC 20554

Commissioner James H. Quello
Federal Communications Commission
1919 M Street, N.W.
Room 802
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Commissioner Susan Ness
Federal Communications Commission
1919 M Street, N.W.
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Commissioner Rachelle B. Chong
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